

REMARKS

The Examiner rejected claims 1-3, 5, 24, and 25 as being anticipated by Largent (6,312,424). The Examiner has also rejected the claims as being obvious in view of Largent and in view of Largent in combination with Warner. In view of this rejection, the Applicant has amended independent claims 1 and 24 to specifically recite that the second treatment zone includes an area of the first treatment zone that has already been treated by the means for controlling the laser. The Largent reference cited by the Examiner treats a disc-shaped central area and a ring-shaped area disposed around the outer perimeter of the central disc-shaped area. The Largent reference thus does not have a second zone that includes a portion of the treated first zone. Largent treats his zones simultaneously with one being disposed outside the other. The claims of the present application have now been amended to require one zone to be treated with the second zone being treated over top of the already-treated first zone. The Applicant submits that Largent fails to disclose or suggest the invention now recited in the amended claims.

Largent discloses and suggests a single step system and process wherein an erodible mask is used to form both treatment zones at the same time. Applicant's invention uses a system that subsequently treats first and second zones with the second zone being defined by the previously-treated first zone. Applicant's specification and drawings show how the entire diameter of the first zone is treated in Figs. 4-7 with the second zone (60) being defined inside of the previously-treated first zone (30). Applicant's second zone thus cannot be defined until Applicant's first zone is treated. In the prior art Largent reference, the first and second zones are defined and treated in a single step. The inventors have found that the subsequent first and second treatments result in improved vision to the patient compared to prior art systems such as the Largent system.

The Applicant has canceled claims 7-23 in view of the restriction requirement and has added new claims 26-28 that depend from claims 24 and 25.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims. If any issues remain after this amendment, please call Fred H. Zollinger, III at (330) 244-1174.

Respectfully submitted at Canton, Ohio this 8th day of September, 2003.

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I hereby certify that this correspondence (Amendment B in application serial no. 09/752,273 filed 12/29/00) is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
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